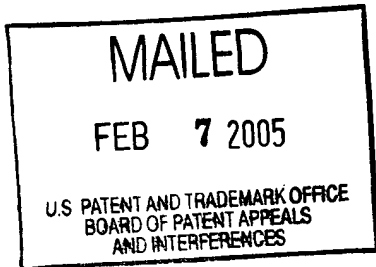


The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICK GESSNER

Appeal No. 2004-1311
Application 09/162,735

ORDER DISMISSING APPEAL

Before HARKCOM, Acting Chief Administrative Patent Judge,
NASE, Administrative Patent Judge and LEVY, Administrative
Patent Judge.

Per curiam.

On January 17, 2003, applicant filed a Notice of Appeal (Paper No. 17). On January 24, 2005, applicant filed a communication (Paper No. 25) indicating that a Request for Continued Examination has been filed, and that the appeal has been withdrawn.

Appeal No. 2004-1311
Application 09/162,735

Accordingly, it is

ORDERED that the appeal filed January 17, 2003, scheduled for hearing on January 25, 2005, is dismissed.

The application is being returned to the examiner for further action as may be appropriate.

GARY V. HARKCOM, Acting Chief)
Administrative Patent Judge)

JEFFREY V. NASE
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

STUART S. LEVY
Administrative Patent Judge

SSL/gjh

cc: ERIK B. CHERDAK & ASSOCIATES, LLC.
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